

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

In re:	§	Case No. 08-80414-G3-7
	§	(Chapter 7)
VIKI LANE	§	
	§	
Debtor	§	
	§	
	§	
MOODY NATIONAL BANK	§	
	§	
Plaintiff	§	ADVERSARY NO. 11-08006
	§	
vs.	§	
	§	
VIKI LANE,	§	
KENNETH EDWARD NIGRELLE, JR.	§	
aka KENNY NIGRELLE, and	§	
ROBBYE R WALDRON,	§	
CHAPTER 7 TRUSTEE	§	
	§	
Defendants	§	

PLAINTIFF MOODY NATIONAL BANK'S
MOTION FOR LEAVE TO DEPOSIT FUNDS WITH THE COURT CLERK

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE LETITIA PAUL:

COMES NOW, MOODY NATIONAL BANK, Plaintiff (“Bank”), by and through the undersigned attorneys, and files its Motion for Leave to Deposit Funds with the Court Clerk and would show as follows:

A. Introduction

1. On April 5, 2011, Bank filed a Complaint to Interplead Insurance Funds or in the Alternative, Request for Declaratory Judgment instituting this Adversary Proceeding as Bank had a reasonable fear of multiple liability because of competing claims to funds deposited by Debtor into certain bank accounts maintained at Bank.

B. Request to Deposit Funds

2. Bank hereby requests leave of the Court to deposit the sum of \$67,731.27, which represents the value of the funds in dispute — 40% of the total amount of funds deposited by Debtor into the bank accounts which may be payable to Defendant Nigrelle, with the Clerk of the Court, to be paid by the Clerk, when and if the rightful owner is determined by the Court.

3. Bank now moves this Court for an order to the Clerk to permitting the deposit of such funds into an interest bearing account pursuant to Rules 7022 and 7067 of the Federal Rules of Bankruptcy Procedure and Rules 22 and 67 of the Federal Rules of Civil Procedure.

4. Upon the granting of this motion, Bank will deliver to the Court Clerk a copy of the order permitting the deposit along with Bank’s check for \$67,731.27.

FOR THOSE REASONS, Plaintiff, Moody National Bank prays that this Court sign and enter an order permitting the deposit of the funds interpleaded by Moody National Bank in this adversary proceeding with the Clerk of the Court, and fully discharge and release Moody

National Bank as a Party to this adversary proceeding, and grant Moody National Bank any other relief to which it may be entitled.

DATED this 30th day of September, 2011.

Respectfully submitted,

/s/ Tara B. Annweiler

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel listed below via first class mail, certified mail or electronic mail by the CM-ECF system on this 30th day of September, 2011.

/s/ Tara B. Annweiler

Tara B. Annweiler

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